

order
ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

FEB 26 2008

at 12 o'clock and 55 min. Sue P. M.
SUE BEITIA, CLERK

Attorney for Defendant
ANDY S.S. YIP

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. CR02-00225 DAE
)	
Plaintiff,	)	NOTICE OF MOTION; DEFENDANT
	)	ANDY S.S. YIP'S MOTION FOR
vs.	)	CONTINUANCE OF SENTENCING;
	)	MEMORANDUM IN SUPPORT OF
ANDY S.S. YIP,	(01)	MOTION; DECLARATION OF
BRENDA M.O. CHUNG	(02)	COUNSEL; EXHIBITS A-B;
	)	CERTIFICATE OF SERVICE
Defendants.)	
	)	DATE: _____
		TIME: _____
		JUDGE: THE HONORABLE
		DAVID A. EZRA

NOTICE OF MOTION

TO:

LESLIE E. OSBORNE, ESQ.
Asst. U.S. Attorney
6-100 PJKK Federal Building
300 Ala Moana Boulevard
Honolulu, Hawaii 96850

Attorney for Plaintiff
UNITED STATES OF AMERICA

MONA L. GODINET
U.S. Probation Officer
300 Ala Moana Blvd #2-215
Honolulu, Hawaii 96850

You are hereby notified that DEFENDANT ANDY S.S. YIP'S Motion For Continuance Of Sentencing shall be heard at _____ .m. on _____, before the Honorable DAVID A. EZRA in his courtroom at the U.S. Courthouse, Prince Kuhio Federal Building, 300 Ala Moana Boulevard, Honolulu, Hawaii, or as soon thereafter as counsel may be heard.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. CR02-00225 DAE
)	
Plaintiff,	)	DEFENDANT ANDY S.S. YIP'S
	)	MOTION FOR CONTINUANCE OF
vs.	)	SENTENCING
)	
ANDY S.S. YIP,	(01))
BRENDA M.O. CHUNG	(02))
)	
Defendants.)	
)	

DEFENDANT ANDY S.S. YIP'S MOTION FOR CONTINUANCE OF SENTENCING

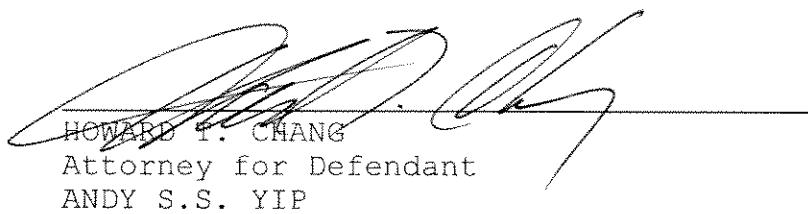
DEFENDANT ANDY S.S. YIP, by and through his undersigned attorney, hereby moves this Court for an order continuing the sentencing in this action from March 18, 2008, to April 28, 2008, or such other date subsequent thereto which is convenient with this Court, and enlarging the date when Defendant may file his sentencing memoranda, from March 8 until April 18, 2008.

This motion is made pursuant to Rule 47 of the Federal Rules of Criminal Procedure and CRIM LR 32.1. The primary reason for this continuance is to afford counsel for Defendant Yip sufficient time to adequately prepare and rebut numerous legal and factual arguments raised by the government and set forth in the Draft PreSentence Report and certain underlying and voluminous accounting and tax documents provided by the United States Attorney to the probation department and to then prepare for the sentencing hearing. The government documents and information were not

provided to the defense until after defense counsel had made a written request for disclosure to the United States Attorney and after Defendant's Sentencing Statement had been prepared on February 12.

This motion is based upon the records and papers filed in this action, the Draft PreSentence Report, the Memorandum in Support of Motion, the Declaration of Counsel attached hereto, for good cause shown therein and on such other and further grounds as may be offered at the hearing on this Motion.

DATED: Honolulu, Hawaii, February 26, 2008.



HOWARD F. CHANG
Attorney for Defendant
ANDY S.S. YIP